## Court of Appeals, State of Michigan

## **ORDER**

Susan Shields v Curtis Blessing

William C. Whitbeck

Chief Judge

Docket No.

262426

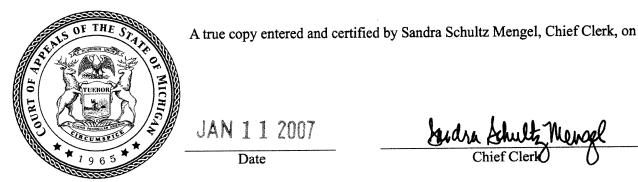
Mark J. Cavanagh

LC No.

2003-053202 NZ

Bill Schuette Judges

The Court orders that the motion for reconsideration is GRANTED, and this Court's opinions issued November 16, 2006 are hereby VACATED. New opinions are attached to this order.



JAN 1 1 2007

Date

## STATE OF MICHIGAN

## COURT OF APPEALS

SUSAN SHIELDS,

UNPUBLISHED January 11, 2007

Plaintiff-Appellee,

V

No. 262426 Oakland Circuit Court LC No. 2003-053202-NZ

CURTIS BLESSING and AMANDA VANDUSEN.

Defendants-Appellants.

Before: Whitbeck, C.J., and Cavanagh and Schuette, JJ.

WHITBECK, C.J. (dissenting).

I respectfully dissent. In my view, the majority relies almost entirely upon the self-serving statements of Dr. Brian Schiller to uphold the trial court's order denying the defendants' motion for frivolous lawsuit sanctions. These statements, even if accepted as true, go to *defendants*' behavior and have little, if any, bearing on whether the *plaintiff's* lawsuit was frivolous. I would reverse and remand.

/s/ William C. Whitbeck